

United States Environmental Protection Agency  
Region 5

IN THE MATTER OF:	)	
	)	
Magnetics International, Inc.	)	FINDING OF VIOLATION
Burns Harbor, Indiana	)	
	)	EPA-5-03-IN-16
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	

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**FINDING OF VIOLATION**

The United States Environmental Protection Agency finds that Magnetics International, Inc. (Magnetics) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Magnetics is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants at 40 C.F.R. Part 63, Subpart CCC as follows:

**Regulatory Authority**

1. The NESHAP for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants at 40 C.F.R. Part 63, Subpart CCC, states at 40 C.F.R. § 63.1155(a)(2) that the provisions for this subpart apply to all new and existing hydrochloric acid regeneration plants.
2. 40 C.F.R. § 63.2 defines a major source as any stationary source that emits or has the potential to emit considering controls 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAP.
3. Pursuant to Section 112(b) of the Clean Air Act, 42 U.S.C. 7412, hydrochloric acid and chlorine are listed as HAPs.
4. The NESHAP, at 40 C.F.R. § 63.1157(b)(1), prohibits the owner and operator of an existing hydrochloric acid regeneration plant to cause or allow to be discharged into the atmosphere any gases that contain hydrochloric acid in a concentration greater than 25 ppmv.
5. The NESHAP, at 40 C.F.R. § 63.1157(b)(2), prohibits the owner

and operator of an existing hydrochloric acid regeneration plant to cause or allow to be discharged into the atmosphere any gases that contain chlorine in a concentration greater than 6 ppmv or an alternative source-specific maximum concentration.

#### Findings of Fact

6. Magnetix owns and operates a hydrochloric acid regeneration plant at 1111 North State Road 149, Burns Harbor, Indiana (the facility).

7. The facility has the potential to emit 10 tons per year or more of hydrochloric acid, a HAP, and therefore the facility is a major source and subject to the requirements at 40 C.F.R. Part 63, Subpart CCC.

8. On December 20, 2002, Magnetix performed a stack test on its Acid Regeneration Unit B stack to demonstrate compliance with 40 C.F.R. § 63.9(h).

9. On December 20, 2002, Magnetix emitted from its Acid Regeneration Unit B stack hydrochloric acid at an average level of 53.8 ppmv.

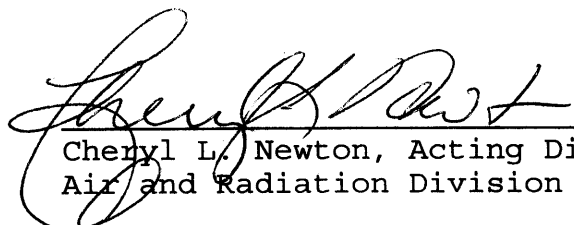
10. On December 20, 2002, Magnetix emitted from its Acid Regeneration Unit B stack chlorine at an average level of 38.3 ppmv.

#### Violation

11. The facility emitted from its Acid Regeneration Unit B stack hydrochloric acid at an average level of 53.8 ppmv. This is a violation of 40 C.F.R. § 63.1157(b)(1) which states that no owner or operator of an existing source shall discharge into the atmosphere any gases that contain hydrochloric acid in a concentration greater than 25 ppmv.

12. The facility emitted from its Acid Regeneration Unit B stack chlorine at an average level of 38.3 ppmv. This is a violation of 40 C.F.R. § 63.1157(b)(2) which states that no owner or operator of an existing source shall discharge into the atmosphere any gases that contain chlorine in a concentration greater than 6 ppmv.

June 16, 2003  
Date

  
Cheryl L. Newton, Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-03-IN-16, by Certified Mail, Return Receipt Requested, to:

Don Kuschel, Director of Operations  
Magnetics International, Inc.  
1111 North State Road 149  
Burns Harbor, IN 46304


I also certify that I sent copies of the Finding of Violation by first class mail to:

Mr. David McIver, Chief  
Air Section  
Office of Enforcement  
Indiana Department of Environmental Management  
100 North Senate, Room 1001  
Indianapolis, IN 46206-6015

and;

Mr. Rick Massoels, Environmental Manager  
Air Compliance Section  
Indiana Department of Environmental Management  
504 North Broadway, Suite 418  
Gary, IN 46402

on the -17<sup>th</sup> day of June, 2003.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0178 2854